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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,076	11/13/2001	Jiro Senda	Q66742	6567
7590	08/16/2006		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/987,076	SENDA, JIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joseph R. Pokrzywa	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 24 May 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 5/24/06, and has been entered and made of record. Currently, **claims 1-12** are pending.

### *Response to Arguments*

2. Applicant's arguments filed 5/24/06 have been fully considered but they are not persuasive.
3. In response to applicant's arguments regarding the rejection of independent **claim 1**, which was cited in the Office action dated 2/24/06 under 35 U.S.C. 102(e) as being anticipated by Nihei (U.S. Patent Number 6,891,634), whereby applicant argues on page 5 that Nihei fails to teach if the DRAM stores combining data required for generating the composite image. Currently, claim 1 requires "storing means for storing the composite image generated by the combining process means and the original images that the composite image comprises together with corresponding combining data required for generating the composite image". Continuing, as read in column 8, lines 32-41, Nihei states that "If the working DRAM 14 is empty ("YES" at step 101), designated template image data is read in from the input medium and stored temporarily in the frame memory 6 (step 102). Designated print image data is read in and this is stored temporarily in the frame memory 6 (step 103). The image represented by the print image data is combined with the image represented by the template image data to generate composite image data. The generated composite image data is stored in the working DRAM 15 (step 104)."

Thus, Nihei teaches of storing means (interpreted as the DRAM 15 and the frame memory 6) for storing the composite image generated by the combining process means (interpreted as the generated composite image data) and the original images that the composite image comprises (interpreted as the designated print image data ) together with corresponding combining data required for generating the composite image (whereby the combining data is interpreted as the template image data).

4. Continuing, in response to applicant's arguments on pages 5 and 6, which argue that Nihei fails to further teach of selection means for selecting one or more of the composite image, original images, or combining data based on a specified output destination device. The examiner notes that claim 1 additionally requires "selection process means for executing a selection process that outputs *one or more of the composite image, original images, or combining data* as output data based on an output destination device specified as the destination for image transmission", with emphasis added. Thus, only one of a composite image needs to be output as output data based on an output destination device specified as the destination for image transmission. In column 5, lines 15-45, and column 8, lines 31-59, Nihei states that composite images can be selected to be printed out. Therefore, Nehei can be interpreted as teaching of having means for executing a selection process that outputs one or more of the composite image, original images, or combining data as output data based on an output destination device specified as the destination for image transmission.

5. Therefore, the rejection of independent *claim 1*, as well as independent *claim 5*, as cited in the Office action dated 2/24/06, under 35 U.S.C.102(e) as being anticipated by Nihei, is maintained and repeated in this Office action.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Nihei (U.S.

Patent Number 6,891,634, cited in the Office action dated 2/24/06).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding ***claim 1***, Nihei discloses an image transmitting device (see Figs. 1-5) comprising combining process means for generating a composite image by joining a plurality of original images (column 8, lines 31-59), storing means for storing the composite image generated by the combining process means and the original images that the composite image comprises together with corresponding combining data required for generating the composite image (column 8, lines 31-59), and selection process means for executing a selection process that outputs one or more of the composite image, original images, or combining data as output data

based on an output destination device specified as the destination for image transmission (see Figs. 6-21, column 5, lines 11-49, and column 8, lines 31-59).

Regarding **claim 2**, Nihei discloses the image transmitting device discussed above in claim 1, and further teaches of an output data selection table that associates identification data for a plurality of destination devices with various output or non-output data of the composite image, original images, and combining data (see Figs. 6 and 18, column 4, lines 39-44, and column 7, lines 21-61), and the selection process means executes the selection process on output data based on settings in the output data selection table (see Figs. 6-21, column 5, lines 11-49, and column 8, lines 31-59).

Regarding **claim 3**, Nihei discloses the image transmitting device discussed above in claim 1, and further teaches that the selection process means executes a selection process on output data predetermined based on attributes of the output destination device (see Figs. 6-21, column 5, lines 11-49, and column 7, line 21-column 8, line 59).

Regarding **claim 4**, Nihei discloses the image transmitting device discussed above in claim 1, and further teaches that the selection process means executes a selection process on output data based on user specifications (see Figs. 6-21, column 5, lines 11-49, and column 7, line 21-column 8, line 59).

Regarding **claim 5**, Nihei discloses an image transmitting method comprising a composite process step for generating a composite image by joining a plurality of original images (column 8, lines 31-59), a storing step for storing the composite image generated by the combining process means and the original images that the composite image comprises together with corresponding composite data required for generating the composite image (column 8, lines

31-59), and a selection process step for executing a selection process that outputs one or more of the composite image, original images, or combining data as output data based on an output destination device specified as the destination for image transmission (see Figs. 6-21, column 5, lines 11-49, and column 8, lines 31-59).

Regarding *claim 6*, Nihei discloses the image transmitting method discussed above in claim 5, and further teaches that the selection process in the selection process step is executed on output data based on settings in an output data selection table that associates identification data for a plurality of destination devices with various output or non-output data of the composite image, original images, and combining data (see Figs. 6-21, column 4, line 39-column 5, line 44, and column 7, line 21-column 8, line 59).

Regarding *claim 7*, Nihei discloses the image transmitting method discussed above in claim 5, and further teaches that the selection process in the selection process step is executed on output data predetermined based on attributes of the output destination device (see Figs. 6-21, column 5, lines 11-49, and column 7, line 21-column 8, line 59).

Regarding *claim 8*, Nihei discloses the image transmitting method discussed above in claim 5, and further teaches that the selection process in the selection process step is executed on output data based on user specifications (see Figs. 6-21, column 5, lines 11-49, and column 7, line 21-column 8, line 59).

8. **Claims 1 and 9-12** are rejected under 35 U.S.C. 102(e) as being anticipated by Haneda *et al.* (U.S. Patent Number 6,819,449, cited in the Office action dated 2/24/06 as being Pertinent Prior Art)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding **claim 1**, Haneda discloses an image transmitting device (see Fig. 5) comprising combining process means for generating a composite image by joining a plurality of original images (column 17, line 21-column 18, line 54), storing means for storing the composite image generated by the combining process means and the original images that the composite image comprises together with corresponding combining data required for generating the composite image (image memory 35, column 18, line 22-column 19, line 47), and selection process means for executing a selection process that outputs one or more of the composite image, original images, or combining data as output data based on an output destination device specified as the destination for image transmission (column 15, line 46-column 19, line 47).

Regarding **claim 9**, Haneda discloses the image transmitting device discussed above in claim 1, and further teaches that the selection process means selects as a destination device among at least two of a printer, a database, and an output display (column 18, line 3-column 19, line 47).

Regarding ***claim 10***, Haneda discloses the image transmitting device discussed above in claim 9, and further teaches that the selection is automatic (column 15, line 46-column 19, line 47).

Regarding ***claim 11***, Haneda discloses the image transmitting device discussed above in claim 1, and further teaches that the original images comprise selective partial images on an entire image (column 15, line 46-column 19, line 47).

Regarding ***claim 12***, Haneda discloses the image transmitting device discussed above in claim 1, and further teaches that the storing means stores the composite image, the original images, and the combining data in a common medium (image memory 35, column 18, lines 22-54).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2625

jrp



A handwritten signature in black ink, appearing to read "Joseph R. Pokrzywa".

JOSEPH R. POKRZYWA  
PRIMARY EXAMINER